



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[Redacted]
[Redacted]
[Redacted]

DECISION

CCB/155237

PRELIMINARY RECITALS

Pursuant to a petition filed January 31, 2014, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Waukesha County Health and Human Services in regard to Child Care, a hearing was held on March 20, 2014, at Waukesha, Wisconsin.

The issue for determination is whether the agency properly denied the Petitioner’s application for child care benefits.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[Redacted] |
[Redacted]
[Redacted]

Respondent:

Department of Children and Families
201 East Washington Avenue
Madison, Wisconsin 53703

By: Kathy Jones
Waukesha County Health and Human Services
514 Riverview Avenue
Waukesha, WI 53188

ADMINISTRATIVE LAW JUDGE:

Debra Bursinger
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [Redacted]) is a resident of Waukesha County.
2. On December 8, 2013, the Petitioner submitted an application for FoodShare (FS), BadgerCare (BC) and child care (CC) benefits.

3. On December 10, 2013, the agency issued a Notice of Action and Proof Needed and a Notice of Action Required: Initial Phone Interview Appointment Scheduled. The Notice of Action and Proof needed stated that the Petitioner needed to complete an interview, sign the application and provide verification of employment at Tri-State Adjustment and Renewal by Anderson. The due date for the items was December 18, 2013 for CC benefits. The Notice of Action Required informed the Petitioner of an interview scheduled for December 13, 2013 at 1:15 p.m.
4. On December 19, 2013, a second Notice of Action and Proof Needed was issued requesting the signature and employment verifications. Due date for CC benefits was noted to be December 30, 2013.
5. On December 31, 2013, the agency issued a Notice of Eligibility Child Care informing the Petitioner that her application for child care benefits was denied.
6. On January 15, 2014, the agency received pay statements from Tri-State and Nissen.
7. On January 31, 2013, the Petitioner filed an appeal with the Division of Hearings and Appeals.

DISCUSSION

Specific items, including employment and income, must be verified by applicants for child care benefits from the Wisconsin Shares program. If the verification items have not been returned by the due date, the agency may deny eligibility immediately or on the 30th day of the date of application. Wisconsin Shares Child Care Manual (CC Manual) § 1.3.2.

The Petitioner does not dispute that she did not provide requested employment verifications by December 30, 2013. The agency made two separate requests for the information and extended the due date which was noted on each notice. The notices also informed her that benefits would be denied if the information was not provided. It is the applicant's responsibility to provide the verification in order to receive benefits. There is nothing to prevent the Petitioner from re-applying for benefits and providing the requested information.

CONCLUSIONS OF LAW

The agency properly denied the Petitioner's application for child care benefits.

THEREFORE, it is

ORDERED

That the Petitioner's appeal is dismissed.

REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Children and Families. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 201 East Washington Avenue, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,
Wisconsin, this 28th day of March, 2014

\sDebra Bursinger
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

Brian Hayes, Administrator
Suite 201
5005 University Avenue
Madison, WI 53705-5400

Telephone: (608) 266-3096
FAX: (608) 264-9885
email: DHAmail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on March 28, 2014.

Waukesha County Health and Human Services
Child Care Benefits